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BILLS TO BE HEARD BY THE ENERGY AND TECHNOLOGY COMMITTEE

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You asked for summaries of bills to be heard by the Energy and Technology Committee. This report covers bills filed after February 23; OLR Report 2012-R-0119 covers bills that were filed earlier.

SB 228, AN ACT CONCERNING TECHNICAL REVISIONS TO ENERGY AND TECHNOLOGY STATUTES

This bill makes minor and technical changes to the utility statutes.

EFFECTIVE DATE: Upon passage

SB 332, AN ACT CONCERNING UTILITY SERVICE TERMINATION AND THE APPOINTMENT OF A RECEIVER

This bill allows utilities to terminate service to non-hardship residential customers on Fridays under certain circumstances; current law bans Friday terminations in all cases. The bill applies to electric, gas, telephone, and water companies; electric suppliers; certified telecommunications providers; and municipal electric, gas, telephone, and water utilities. The bill allows these termination for non-hardship cases on a Friday that is not a legal holiday or the day before a legal holiday when (1) the utility's business offices is open to the public the next day, (2) the Public Utilities Regulatory Authority (PURA) has

determined that an adequate number of remote payment centers where the utility's customers can pay their bills are open on Saturdays, and (3) the staff sent to terminate service can accept noncash payments from a customer seeking to avoid termination.

The bill also allows an electric or gas company or municipal electric or gas utility to seek the appointment of a receiver of rents (payments) when the owner, agent, lessor, or manager of a nursing home and related facilities who is billed directly by the utility for service furnished to the building defaults in his or her payments for this service.

EFFECTIVE DATE: July 1, 2012

SB 333, AN ACT CONCERNING THE MEMBERSHIP OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY'S BOARD OF DIRECTORS

This bill makes several changes to the composition of the Connecticut Resource Recovery Authority's board of directors, including

1. increasing the board's membership from 11 to 15;
2. decreasing the number of legislative and gubernatorial appointments from 11 to five;
3. removing expertise requirements for certain members;
4. increasing municipal representation;
5. increasing representation for smaller towns;
6. requiring election of the board's chair rather than appointment by the governor; and
7. increasing the members needed for a quorum from six to eight, consistent with the increase in the board's size.

The bill requires that the five directors appointed by the governor and legislative leaders be a first selectman, mayor, city or town manager, or chief financial officer of a municipality that has entered into a solid waste disposal services contract with the authority and pledged the municipality's full faith and credit for the payment of obligations under the contract.

The remaining ten directors must represent municipalities, three of whom represent municipalities with 30,000 or more residents and seven representing smaller municipalities. All of these representatives must be elected by a vote of all municipalities having a contractual relationship with the authority. No more than six of these ten directors may be from municipalities served by the authority's Mid-Connecticut Project.

EFFECTIVE DATE: July 1, 2012

SB 415, AN ACT CONCERNING THE OPERATIONS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE ESTABLISHMENT OF A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM, WATER CONSERVATION AND THE OPERATIONS OF THE CLEAN ENERGY FINANCE AND INVESTMENT AUTHORITY

Connecticut Clean Energy Authority

The bill renames the Connecticut Energy Finance and Investment Authority the Connecticut Clean Energy Authority and allows it to issue revenue bonds with terms of up 30 years. It allows the bonds to be backed by (1) the full faith and credit of any body, public or private, and (2) Clean Energy Fund revenues, including the renewable energy charge on electric bills. The state pledges not to alter this charge until the clean energy bonds are paid off. It allows the authority to issue bonds that are federally taxable.

Clean energy bonds are not state obligations and do not count against the state debt limit. The bill exempts the bonds and authority projects from state taxes.

The bill authorizes the establishment of a special capital reserve fund (SCRF) to back with authority bonds. The creation of SCRF requires approval of the OPM secretary and treasurer. The maximum amount in bonds backed by SCRF is $100 million. If funding in the reserve falls below mandated level, the shortfall is "deemed appropriated" from the General Fund, i.e., taxpayers are contingently liable for the shortfall.

The bill entitles the authority to part of the allocation of the state's private activity bond cap, which is currently earmarked to municipalities, the Connecticut Higher Education Supplemental Loan Authority, and the Connecticut Student Loan Foundation (27.5% of the capped amount goes to municipalities and authorities under current law).

The bill makes the authority a quasi-public authority and eliminates a provision that places it, for administrative purposes only, in Connecticut Innovations, Inc. It exempts the authority's directors and staff from personal liability for their actions, so long as they are not wanton, reckless, willful, or malicious.

Public Utilities Regulatory Authority

The bill eliminates a number of agency-specific ethics provisions for directors and staff of PURA, including the revolving door ban and lobbying restrictions. It allows PURA to retain consultants for proceedings before relevant federal agencies, with the cost borne by affected utilities.

By law, electric companies must provide standard service to small and medium size customers who do not choose a competitive supplier. The bill transfers approval of procurement plan and associated reporting requirement from DEEP to PURA. It requires PURA to share the bids it gets under the plan with the DEEP commissioner.

The bill requires PURA to extend the in-service date for a Project 150 (small scale generation) project located in a town that is a distressed municipality or a targeted investment community until December 31, 2013.

The bill requires electric and gas companies to develop conservation plans every three years rather than annually. It requires PURA to hold hearings on the purchased gas adjustment every 12, rather than every 6 months, but also requires it to hold hearings at the request of the Office of Consumer Counsel.

Property Assessed Clean Energy (PACE) Program

The law allows municipalities to establish PACE programs to provide loans for energy efficiency and renewable energy improvements. The loans are backed by an assessment on the benefitted property, and the property is subject to a lien for the assessment. Under current law, the lien is treated like a tax lien but does not take priority over existing mortgages. Federal action has effectively stopped implementation of such programs with regard to residential properties.

The bill establishes a separate commercial PACE program (including five or more unit multifamily buildings) and limits current program to one to four unit residential buildings. With regard to commercial properties, the bill (1) requires that projected savings exceed

improvement costs and (2) limits loans on these properties to 20% of their fair market value.

Unlike the current program, it allows for variable interest loans, subject to disclosure of their risks. The lien for the assessment takes priority over current mortgages for commercial or industrial property, but the bill requires notice to existing mortgage holders at least 30 days before filing the lien.

Water Rates

The bill requires PURA to authorize water company rates that promote water conservation. Conservation measures can include:

1. rates that increase with the amount of water used and seasonal, peak period, or drought rates;

2. measures to provide more timely price signals;

3. multiyear rate plans;

4. measures to reduce system water loss; and

5. funds for programs to promote conservation.

It requires PURA to open a docket to identify water company conservation programs that would be eligible for rate recovery in a rate case, if the company can demonstrate that the expenses are reasonable and prudent. It requires the Water Planning Council to submit a report to PURA and the Energy Efficiency Board, by July 1, 2012, identifying conservation programs that could be recommended as eligible for rate recovery in a PURA docket or incorporated into the Conservation and Load Management Plan (CGS § 16-245m), which currently deals only with energy conservation.

The bill requires PURA to authorize a water conservation and sustainability adjustment on customer bills if a water company has not (1) recovered the revenues allowed under its rate case and (2) exceeded its allowed rate of return during the 12 month period subject to the adjustment. Companies must request this adjustment in a rate case. The adjustment is the difference between what a water company actually collected versus what it was allowed to collect, calculated as a percentage. In calculating the adjustment, authorized revenues are not adjusted for customer growth, unless the growth resulted from an approved acquisition of another company. The adjustment is applied to

customer bills as a credit or charge for the 12 months after PURA approves the adjustment. It applies to all customer classes except public fire accounts, on bills issued on or after February 1 of the calendar year in which the adjustment is approved. It remains in effect until PURA authorizes new rates.

The bill requires PURA to approve any adjustments in an uncontested proceeding open to interested persons and public comment. The proceeding must be completed within 30 days after the water company files its application. If PURA does not render a decision within 30 days, the water company can begin issuing the adjustment until PURA makes its decision, as long as it refunds any amounts collected that exceed subsequently approved charges. PURA's decision on the adjustment cannot be appealed to the Superior Court.

The bill requires municipal legislative bodies that set rates for municipal water systems to consider measures to promote water conservation and reduce demand on the state's water and energy resources. These measures can include the same ones as described above for water companies.

The bill also allows PURA to authorize water company rate adjustments for (1) the purchase of energy efficient equipment or investments in renewable energy supplies and (2) capital improvements needed to comply with stream flow regulations.

The bill increases the maximum water infrastructure and conservation adjustment permitted under current law that can be applied between general rate case filings, from 7.5% to 10% of the water company's approved annual retail revenues.

Other Provisions

Current law requires electric companies to enter into long-term contracts to buy renewable energy credits from renewable generation projects that have very low emissions. The bill opens this program to all class I renewable resources.

By law, municipalities can transfer the billing credits they receive for generating electricity from class I renewable resources they own to other electric company accounts ("virtual net metering"). The bill opens this provision to state buildings and generation facilities leased by municipalities or the state. It requires PURA, rather than DEEP, to administer the cap on the program's cost and report to the Energy and Technology Committee.

Under current law, electric companies and other entities can build up to 30 megawatts of class I renewable generating facilities that emit no pollutants (e.g., solar and wind projects). The bill allows them to build facilities using class I resources that emit pollutants, e.g., certain biomass and fuel cell plants.

The bill transfers the administration of tax credit program for green buildings from OPM to DEEP. It establishes an $8 million cap on credits for any one project (by law, total tax credits are capped at $25 million).

EFFECTIVE DATE: Upon passage, except the provisions on the Connecticut Clean Energy Authority and several provisions on PURA are effective July 1, 2012.

SB 416, AN ACT CONCERNING THE MERGERS AND ACQUISITIONS OF THE HOLDING COMPANIES OF CERTAIN PUBLIC UTILITY COMPANIES

This bill broadens the circumstances when a merger or acquisition involving a utility holding company requires review and approval by PURA. (Northeast Utilities and UIL, the parent of United Illuminating, are examples of utility holding companies.) It imposes additional conditions for PURA approval of such mergers or acquisitions and other transactions involving Connecticut utility companies and holding companies. It bars certain infrastructure costs incurred out of state by a utility company or holding company from being borne by Connecticut ratepayers. It restricts the rate of return utility companies can earn under certain circumstances.

Transactions Subject to PURA Review and Approval

By law, PURA review and approval is required when:

1. a utility company, holding company, or out-of-state agency (a) interferes with, (b) seeks to interfere with, or (c) exercises or seeks to exercise control over a Connecticut electric, gas, water, telephone, or cable TV company or holding company; or

2. any entity (a) takes actions that make it a holding company that controls a Connecticut utility; (b) acquires control over such a holding company; or (c) takes any action that, if successful, would make it holding company or give it control over a holding company.

Terms and Conditions of PURA Approval

By law, PURA can impose the terms and conditions it considers necessary or appropriate when approving any of these transactions. The bill additionally requires PURA review and approval, subject to its terms and conditions, if an entity enters into a merger or acquisition that would cause its shareholders to own at least 10% of the shares of a holding company, if PURA determines that the merger or acquisition would have a measureable positive or negative impact on ratepayers in the state.

The bill adds further conditions for PURA approval of any of the above transactions and applies these conditions to a merger or acquisition with a holding company. It bars PURA from approving a transaction unless the applicant sufficiently demonstrates to PURA that approval will not

1. negatively impact employment in the state over the next five years,

2. lead to any rate increase for any customer or ratepayer of any utility or holding company that is the subject of the application over the next five years,

3. lead to a decrease in accountability or diminished customer service by the company to any Connecticut customer or ratepayer,

4. harm the company's ability to ensure the reliability of its service, or

5. harm the company's ability to prevent, minimize or restore any long-term service outage or disruption caused by any emergency.

In the case of a merger or acquisition, PURA cannot approve the transaction before it determines that approval of the application will provide a benefit to Connecticut ratepayers at least as great as any benefit conferred on the ratepayers of any other state by any regulatory approval or agreement concerning the merger or acquisition.

Within one year after PURA approves any of the above transactions, and annually thereafter for ten years, the applicant must report to PURA concerning the impact of the approval of its application on the operations of any utility company or holding company that was the subject of the application. The report must at least cover the company's employment statistics, service rates for its customers or ratepayer; customer service; ability to ensure the reliability of its service; and ability to prevent,

minimize or restore any long-term service outage or disruption caused by any emergency.

Recovery of Infrastructure Costs

Under the bill, if PURA approves a transaction on or after the bill's passage, the affected utility company may not recover from its Connecticut ratepayers any expenditure made for an infrastructure upgrade or project outside the state.

With regard to electric transmission facilities, it appears that this provision may violate federal law. Under federal law, the Federal Energy Regulatory Commission (FERC) has exclusive jurisdiction over the interstate wholesale electric market and sets rates to recover the costs of transmission projects serving the interstate market. The filed rate doctrine requires that state utility commissions (e.g., PURA) determining intrastate rates give binding effect to interstate power rates filed with FERC or fixed by FERC. When the filed rate doctrine applies to state regulators, it does so as a matter of federal pre-emption through the U.S. Constitution's Supremacy Clause. See *Entergy Louisiana, Inc. v. Louisiana Public Service Commission*, 539 U.S. 39 (2003).

Rate of Return

By law, PURA must set utility rates to allow the company's shareholders to earn a return on their equity (ROE) that allows the company to attract needed capital and maintain its financial integrity while protecting the public interest. Subject to statutory ratemaking principles, if PURA approves a transaction on or after the bill's passage, it may not authorize an ROE for the affected utility company that exceeds the ROE authorized by any out-of-state regulatory agency for any comparable out-of-state utility company that is a subsidiary of the holding company of the Connecticut utility company.

EFFECTIVE DATE: Upon passage

HB 5271, AN ACT CONCERNING THE SITING COUNCIL

This bill requires that telecommunications tower developers begin consulting with potentially affected municipalities 90, rather than 60, days before applying for a Siting Council certificate. It also expands the scope of this consultation.

It limits the circumstances in which the council can approve a tower proposed for installation near a school or commercial day care center. Under the bill, the council cannot approve a proposed tower located within 250 feet of these facilities unless the (1) location is acceptable to the municipality's chief elected official or (2) council finds that the tower will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood where the school or day care center is located. (In its final action on the bill, the Energy and Technology Committee required that these provisions be implemented in accordance with federal law.)

The bill expands the factors the Siting Council must consider in granting a certificate for a telecommunications tower by requiring it to consider the manufacturer's recommended safety standards for any equipment, machinery, or technology. It requires the council to examine the latest facility design options intended to minimize aesthetic and environmental impacts. The act also requires the council to consider neighborhood concerns regarding the factors it must already take into account, including public safety.

By law, the Siting Council can deny an application for a tower if it finds that it would substantially affect the scenic quality of its site and that public safety concerns do not require that it be built there. The bill expands this authority to include cases where the tower would substantially affect the scenic quality of the surrounding neighborhood and public safety concerns do not require that it be built at the proposed site.

The law requires certificate applicants, other than applicants for telecommunications towers, to pay municipal participation fees of up to $25,000 and requires the fees to be deposited in a nonlapsing "municipal participation account" in the General Fund. The bill modifies how this money is distributed to municipalities.

The bill allows the council, by majority vote, to request that the attorney general bring a civil action (1) upon a motion of a party or intervenor in a case of a proposed tower or (2) on its own determination when a party or intervenor has intentionally omitted or misrepresented a material fact in the course of a council proceeding. In the action, the attorney general may seek any legal or equitable relief the Superior Court considers appropriate, including injunctive relief or a civil penalty of up to $10,000 and reasonable attorney fees and related costs.

EFFECTIVE DATE: July 1, 2012 except for the pre-application consultation and municipal participation account provisions, which are effective upon passage.

HB 5272, AN ACT CONCERNING ENERGY INFRASTRUCTURE

This bill requires that PURA conduct a docket to develop Connecticut-based renewable technologies and report its findings to the Energy and Technology Committee by February 1, 2013. The committee reported a substitute for this bill that transfers these responsibilities from PURA to DEEP.

EFFECTIVE DATE: July 1, 2012

HB 5384, AN ACT CONCERNING THE DEFINITION OF TERMS AND MINOR REVISIONS IN THE ENERGY, TECHNOLOGY AND UTILITY STATUTES

This bill makes technical changes to the utility statutes by alphabetizing the definitions in section 16-1.

EFFECTIVE DATE: July 1, 2012

HB 5385, AN ACT CONCERNING ENERGY RETROFITS FOR CERTAIN BUILDINGS AND THE DISCLOSURE OF THE ENERGY EFFICIENCY OF CERTAIN BUILDINGS

This bill requires the Energy and Environmental Protection (DEEP) commissioner, in consultation with the Office of Policy and Management (OPM) secretary and the Consumer Protection commissioner, to develop a program and adopt regulations for evaluating and disclosing the energy consumption of one- to four-unit residential buildings before they are sold, including a method for labeling or disclosing this information. The regulations may include adoption of a federal rating and disclosure system. In developing the program and regulations, the DEEP commissioner must consult with residential energy efficiency auditors,

providers of residential energy efficiency services, and members of the residential real estate and mortgage banking industries.

Starting July 1, 2014, any owner of such residential buildings must have the energy consumption of the building evaluated in accordance with the DEEP regulations before the building is sold. The evaluation must cover five years before the sale or since the regulations were adopted, whichever is less. The requirement does not apply to sales between co-owners, spouses, or near relatives or transfers through inheritance.

The bill requires any landlord who requires a tenant to pay heating as part of the rent to, before signing the lease, provide a potential tenant with a statement of prior usage for heating expenses for the unit for at least the last two years. The statement must include a report from the supplier of the heating fuel, including an electric or gas company, if available. If not, the report must be based on (1) records of the heating fuel supplier or (2) a good-faith estimate by the landlord.

Starting January 1, 2013, each electric and gas company must maintain records of the energy consumption data of all nonresidential buildings (other than those used for manufacturing or long-term residential use) that it serves. This data must be maintained in a format (1) compatible for uploading to the U.S. Environmental Protection Agency's Energy Star portfolio manager or comparable system, and (2) that preserves the customer's confidentiality.

Starting January 1, 2013, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, the electric or gas company must upload all of the energy consumption data for the specified building account to the Energy Star portfolio manager or comparable system to benchmark the building's energy use. The company must maintain information in a way that preserves the customer's confidentiality.

By January 1, 2014 and annually thereafter, any owner or operator of a nonresidential building with a gross floor area at least 50,000 square feet must benchmark its energy use by uploading its energy consumption data to the Energy Star benchmarking tool. (For comparison, the Legislative Office Building has about 205,000 square feet of total floor area.) Starting on this date, the owner or operator must disclose the benchmarking data and ratings generated by the tool or system for the most recent twelve-month period to any prospective buyer, lessee, or lender that would finance the purchase of the building or part of it. Starting January 1, 2015, the owner or operator must provide the

benchmarking data and ratings for the most recent 12-month period to the DEEP commissioner, who must make the data and ratings accessible to the public via an on-line database. These requirements apply six months later for nonresidential buildings with 20,000 to 50,000 square feet and one year later for buildings with 10,000 to 20,000 square feet.

By July 1, 2013, the OPM secretary must benchmark the energy use of any nonresidential building with at least 10,000 square feet of total gross floor area owned or operated by the state or a state agency by uploading its energy consumption data to the Energy Star portfolio manager benchmarking tool or a comparable system.

EFFECTIVE DATE: July 1, 2012

HB 5473, AN ACT CONCERNING PUBLIC ACCESS OPERATIONS AND THE PERIODIC REVIEW OF VIDEO PROVIDERS

This bill requires PURA to conduct a performance review of each firm holding a certificate to provide cable TV service to (1) review the state of the industry and (2) ensure compliance with the applicable terms and conditions of each certificate. The performance review may address such things as customer service issues, community access providers, management of outages, service to handicapped and low-income customers, and cooperation with PURA It must include a review of funding and budget issues and (1) the company's provision of community access or (2) the independent community access provider (by law, the cable company or a nonprofit organization can provide community access). After the initial review, PURA must conduct subsequent reviews every five years.

Each performance review must (1) be conducted as a contested case under the Uniform Administrative Procedure Act with the attorney general and the Office of Consumer Counsel as parties and (2) include an opportunity for a hearing. PURA may designate the applicable advisory council as an intervenor in any case.

The bill allows any company, nonprofit organization (including a town or municipality responsible for community access operations) that receives funds from the subscriber charge that supports community access to use this money to create and develop town-specific community access programming, including labor and staff expenses.

Finally, the bill requires the cable TV company or nonprofit organization providing community access operations that supplied original programming from locally run operations and provided funding

to town-specific programming on January 1, 2008, to continue to fund town-specific programming in the same proportion to funding for original programming from locally run operations on January 1, 2008.

The bill re-establishes the Broadband Internet Coordinating Council, which was repealed by PA 11-80, with the same appointing authorities. As under prior law, the bill requires the council to (1) monitor trends and developments in the state's efforts to develop a state-wide world-class communications infrastructure and (2) issue any reports it deems necessary to the Energy and Technology Committee.

The bill also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2011

HB 5474, AN ACT CONCERNING THE AUTONOMY OF THE PUBLIC UTILITIES REGULATORY AUTHORITY

Under current law, PURA, which is part of the Department of Energy and Environmental Protection (DEEP), has jurisdiction over most utility-related matters. This bill places PURA within DEEP for administrative purposes only. It transfers various responsibilities and powers from DEEP to PURA.

The bill requires the OPM secretary to coordinate with the PURA chairperson on various water industry issues that fall within the jurisdiction of multiple agencies.

By law, entities in PURA's jurisdiction must obey its orders. The bill requires these entities and those (1) regulated by the Connecticut Siting Council and (2) that install and operate submetering systems (which are used in facilities such as marinas) and engage in related billing activities to obey the orders of PURA and the Siting Council, to the extent each agency has jurisdiction. It also establishes an enforcement division in PURA.

The bill requires PURA to conduct two proceedings, one on natural gas and one on the regulation of the propane industry.

By law, municipalities that own renewable generating equipment can transfer the billing credit they receive for the power the equipment generates to other electric company accounts ("virtual net metering"). The bill extends this provision to power produced by equipment leased by the municipality.

Transfers from DEEP to PURA

The bill transfers, from DEEP to PURA, the responsibility to:

1. appoint and convene the Energy Conservation Management Board (ECMB);

2. approve the electric companies' conservation plans;

3. adopt an independent, comprehensive evaluation, measurement, and verification process to ensure the ECMB's programs are administered appropriately and efficiently;

4. adopt regulations specifying when and how a customer is notified that his electric supplier has defaulted and of the need for the customer to choose a new supplier;

5. approve the amount an electric company that bills customers on behalf of a supplier can retain to reflect uncollectible bills and delinquencies;

6. adopt regulations regarding billing by suppliers; and

7. approve or reject the integrated resources plan (IRP), under which electric companies meet projected demand through a mix of efficiency programs and electric supply.

The bill also requires the IRP to take into account the energy conservation plan.

The bill allows PURA, rather than DEEP, to adopt regulations on (1) electric suppliers' services, accounting, safety, and operations and (2) standards for systems utilizing cogeneration technology and renewable fuel resources. It eliminates a requirement that PURA consult with DEEP in adopting regulations on utility company rates, charges, services, accounting practices, safety, and operations.

Under current law, the PURA chairperson can (1) make recommendations to the DEEP commissioner regarding staff and resources and (2) with his approval, specify the staff's duties. The bill instead requires the chairperson to specify the staff's duties, without reference to the commissioner. It also refers to the staff as PURA, rather than DEEP, employees.

By law, (1) electric companies must provide standard service to small and medium size customers who do not choose a supplier and (2) a procurement manager must procure power for this service. Current law has conflicting provisions as to whether the manager's position is in PURA or DEEP; the bill specifies that it is in PURA.

PURA Enforcement Division

The bill establishes an enforcement division in PURA to review and investigate potential violations of (1) the laws governing utilities and related entities and (2) PURA and Siting Council orders and regulations, including noncompliance with any PURA order or decision issued in a docket.

The bill allows the division, as it deems necessary, to conduct investigations and hearings if PURA believes that any entity under its jurisdiction or the Siting Council's jurisdiction has violated the relevant law or a PURA order or decision. In addition to utilities, entities under PURA's jurisdiction include, among others, electric suppliers, telecommunications companies including wireless providers, firms subject to the Call Before You Dig law, and firms that develop energy and telecommunications facilities that require a Siting Council certificate.

If the division determines, after an investigation or hearing, that the person has violated the law or a PURA or Siting Council order or regulation, or has failed to comply with any PURA order or decision, the bill allows the division to recommend that PURA assess a civil penalty under its existing powers.

Within one year after PURA issues an order or decision for any docket, and annually thereafter, the division must review it to determine whether it has been complied with. If the division determines, that any person or entity has failed to comply with the order or decision it may (1) begin an investigation of the noncompliance or (2) recommend that PURA assess a civil penalty under its existing authority.

PURA Proceedings

The bill requires PURA to conduct proceeding to review (1) the sufficiency of natural gas lines in the state to supply gas for consumers to operate generators and (2) the regulation of the propane industry. PURA must report its findings, including regarding statutory changes needed to regulate the propane industry and report to the Energy and Technology Committee on these issues by February 1, 2013 and January 1, 2013, respectively.

EFFECTIVE DATE: July 1, 2012, except the study and IRP provisions are effective upon passage and the enforcement division provisions are effective October 1, 2012.

AN ACT CONCERNING CONSUMER PROTECTION FOR UTILITY CUSTOMERS. (NOT FILED, NO NUMBER)

This bill requires utilities, including cable companies and competitive electric suppliers, to provide a credit against their service and other fixed charges when they do not provide service for 24 consecutive hours or more. The credit must be proportional to the number of days the utility failed to provide service. It also bars these utilities from charging a late fee when the customer's billing date occurs when he or she is not receiving service for 24 or more consecutive hours, Neither provision applies when the service lapse is due to the customer's non-payment of his or her bill.

The bill requires electric companies to reimburse low income customers for food spoilage due to power outages. The requirement applies to customers whose household income is up to 60% of the sate median income. To be eligible:

1. the outage must have lasted at least 48 hours;

2. the customer must apply to the company for the reimbursement within 30 days after his or her power is restored; and

3. the customer must submit an itemized list of the spoiled food and proof of the loss, demonstrated by a credit card statement, bank statement, receipt, or check for the purchase of the food or a photo of the spoiled food.

The reimbursement is limited to $400 per customer per outage and must appear as a credit on the customer's electric bill. The electric company can recover its costs for the reimbursements through the systems benefits charge on electric bills.

The bill bars utility companies and utility holding companies from compensating any director, officer, executive, or employee more than $350,000 from ratepayer funds. (An example of a utility holding company is Northeast Utilities, whose subsidiaries include Connecticut Light and Power and Yankee Gas Services.) The limit applies regardless of how many utility or holding companies the individual is employed by. This limit does not apply to payments made by shareholders.

The bill expands disclosure requirements regarding the salaries paid to utility company directors and officers. Under current law, companies must (1) annually submit the salaries of these individuals to PURA and (2) at least annually provide bill inserts informing their customers that this listing can be obtained from PURA. Currently, the submission requirement does not apply to utilities that file Securities and Exchange Commission 10-K forms with PURA under a PURA order. The bill eliminates the exception and extends the disclosure requirement to directors and officers of utility holding companies.

EFFECTIVE DATE: Upon passage

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